

**CITY OF TAYLORSVILLE
CITY COMMISSION
REGULAR MEETING
September 4, 2012**

The City of Taylorsville City Commission held a Regular meeting on Tuesday, September 4, 2012 at 5:00 p.m., at the City Hall Annex.

Present were:

Don Pay, Mayor
Beverly Ingram, Commissioner
Kathy Spears, Commissioner
Larry Waldrige, Commissioner
Nathan Nation, Commissioner

Staff present:

John Dale, Jr. City Attorney
Steve Biven, City Clerk
Harold Compton, Public Works Director

Randy McConnell, Comptroller
Toby Lewis, Police Chief
Lisa Ware, Co-Treasurer

Item #1

Mayor Pay called the meeting to order at 5 p.m. with a moment of meditation followed by a recital of the Pledge of Allegiance.

Item #2 – ***Consent Calendar***

Motion made by Commissioner Spears and seconded by Commissioner Ingram to approve the Consent Calendar for August, 2012. Motion carried 5-0.

Item #3 – ***Committee Reports***

a) Engineering Projects (Sisler– Maggard Engineering PLLC)

Kevin Sisler was not present, Clerk Biven gave the report. Clerk Biven reminded the commission of the \$30,000 left from the new sewer line on Highway 44. Mr. Compton is looking into some odor control and other options.

Clerk Biven stated that Mr. Sisler was going to meet with Steve Bowman to discuss the Highview road situation.

Eddie Raymer was present to state that the roads in Early Wyne are completed. He requested that the City take over the roads and release the moratorium so they can start selling lots again.

Motion was made by Commissioner Nation and seconded by Mayor Pay to start the process of accepting the roads in Early Wyne into the City system. Motion carried with a vote of 5-0.

Motion was made by Commissioner Nation and seconded by Mayor Pay to release the Moratorium that the City has on Early Wyne. Motion carried with a vote of 5-0.

Main Street Change Order- A change order was presented from Pace Construction, LLC. to undercut and stone backfill 80 C.Y. @ \$45/C.Y. due to unstable soil under sidewalk. The original Contract Price was \$187,000. Due to this change the price was going to increase by \$3,600 bringing the total for the Contract Price to \$190,600. **Motion was made by Mayor Pay and seconded by Commissioner Ingram to accept the change order from Pace Construction. Motion carried with a vote of 5-0.**

b) Main Street (Gordon Deapen)

Mr. Deapen suggested some changes to the Main Street plans. The Sanctuary wants to leave the entrance to the building the way it is. The plans call for curbing to be all the way across in front of the building with no access from Main Street. Any changes have to be sent to the Department of Transportation. Mayor Pay saw no problem with approving the change and letting Mr. Sisler send them to DOT. Commissioner Spears spoke up and stated that Kent Stevens was not given the opportunity to do a change order on his side of the road. David Young asks the commission to look at changing the plans in front of The Tea Cup and was told it could not be changed. They were both told they could not make any changes. Mr. Deapen said that Mr. Young was ok with the way the plans are now. Commissioner Spears said it is not fair to the other two businesses to let Mr. Shircliffe make changes and not let them. Commissioner Nation agreed with Commissioner Spears stated that it is not fair to the two other business owners to allow Mr. Shircliffe to make the changes he wants to the Main Street plans. **Motion was made by Commissioner Nation and seconded by Commissioner Spears to deny the changes with the Main Street plans requested by Mr. Shircliffe to the Sanctuary property. Commissioner Waldrige, Commissioner Ingram, Commissioner Spears and Commissioner Nation voted in favor. Mayor Pay opposed. Motion carried with a vote of 4 -1.**

Mr. Deapen informed the Commission that the State said there could not be a planter box on private property in front of The Tea Cup. Mr. Young is happy with the change. The change will have to go to the DOT for approval. **Motion was made by Mayor Pay and seconded by Commissioner Ingram to approve the change in front of the Tea Cup. Motion carried with a vote of 5-0.**

The Progressive Dinner is coming up on September 22, 2012. Mr. Deapen is requesting that Main Street be closed from 4:30 to 10:30 pm for the dinner. **Motion was made by Commissioner Nation and seconded by Mayor Pay to close Main Street from Jefferson Street to Washington Street for the Progressive Dinner.**

Mr. Deapen stated that the Main Street Committee's treasurer's report and minutes were in the commissioner's packets.

c) Audit Presentation (Robert Ryan)

Mr. Ryan presented the audit for year end June 30, 2012. Mr. Ryan stated that if the commissioners had any questions to please call or email him and he will try to get back with them within 24 hours. He stated that in his opinion he believed that these financial statements fairly present in all material respects the financial position of the governmental activities, business activities and each major fund of the City of Taylorsville. This is an unqualified and

clean opinion. Mr. Ryan reviewed the report with the commission. Mr. Ryan proposed that there are no adjustments, no journal entries to the records that were kept by Mr. McConnell, no disagreements with management, no internal control weaknesses and no material weaknesses. After the commission has reviewed and accepted the audit, Mr. Ryan will file it with the federal clearinghouse.

Commissioner Nation asks about retiring some debt. Mr. Ryan stated in his personal opinion that the City needed to pay off some debt. Mayor Pay suggested that the commission look into paying off some of the City's debt but needed to make sure the City keeps enough in the rainy day fund. Commissioner Spears stated that Rural Development states that a certain amount of money has to stay in certain accounts. Mayor Pay asks Mr. McConnell to supply a list of the City's debts. Mr. McConnell stated that he would bring a Cash to Debt analysis to the October meeting. **Motion was made by Mayor Pay and seconded by Commissioner Waldrige to approve the audit. Motion carried with a vote of 5-0.**

d) Floodwall (Bobby Smith)

Mr. Smith stated that he is the president of the Floodwall Commission and presented a letter that he sent to Judge Karrer that was from Dan Frank of the Corps of Engineers. He has taken it upon himself to revive the floodwall and is seeking an extension in the certification program. He is seeking some assistance from an Advisory Board consisting of Mike Driscoll, Karen Burns and David Houghlin. He stated that all emergency response personnel are strongly requested to participate in the district's efforts to protect our City and our citizens. Fire Chief Nation and Jeff Coulter are working on an evacuation plan for the board. This would remove three of the four major screening findings listed by the Corp of Engineers on a report dated July 25, 2012, the fourth finding being the removal of vegetation. He is recommending that at least one (1) commissioner be on the board. Mr. Smith has taken it upon himself to go on and start the cleanup of the vegetation in order to get the extension for the cleanup. He also stated that any other contractor that is a property owner that would like to help out is more than welcome to help. Mr. Smith said that the floodwall commission was going to pay for the work being done. There is approximately \$15,000 in the Floodwall account. Mr. Smith read part of a letter from Stan Durrett, Chief, Engineering Division and District Levee Safety Officer, stating that the inspection of the floodwall revealed the system to be in a Minimally Acceptable condition. If the floodwall is not certified in the program we will not receive any type of help should it be breached. Mr. Smith stated that there is a list in the commissioner's packet detailing the cost from Smith & Long Excavating of what they will charge to do the work needed. Chief Nation said they are working on an evacuation plan and should have that ready in the next month or so. Mr. Smith stated that they are going to start removing trees on the river side of the floodwall first. Mayor Pay asks Mr. Smith if the Corp explained how the trees need to be removed. Mr. Compton is going to get with Mr. Smith to look for any sewer lines or valves that may be on the river side of the floodwall.

Item #4 Public Comment

a) Ronnie Earls – Crosswalk to school

Mr. Earls was present to thank the commission for getting the crosswalk to the school. He stated that there needed to be some "no parking" signs on the side across from the funeral home and a "no u-turn" sign at the intersection of Main Cross and Reasor Ave. Chief Lewis stated that they could paint "STOP" on the pavement at that point. Chief Lewis stated it is not illegal to make a u-turn in the state of Kentucky. Another concern was in regards to funerals, when there are cars pulled off the side of the road blocking the cars that are picking up the children at the pre-school.

Mayor Pay asks the commission what they thought about placing no parking signs on the street. It is only a problem if there is a funeral during school hours. Chief Lewis agreed that it causes a problem, but stated that if you put up no parking signs you are taking away parking from the funeral home. Commissioner Ingram stated that she really did not see a solution to the problem. The commission is going to send a letter to the funeral home asking them to see if they can get people to park in the back of the funeral home first before parking out along the street.

The commission took a recess at this time.

At this time the commission addressed the Street Sweeper bid. Roy Wyatt's bid was \$601. **Motion was made by Commissioner Nation and seconded by Commissioner Spears to award the bid to Roy Wyatt. Commissioner Waldrige, Commissioner Ingram, Commissioner Spears and Commissioner Nation voted in favor. Mayor Pay opposed. Motion carried with a vote of 4 -1.**

Commissioner Spears asked if the commission had decided what streets needed to be cleaned. Clerk Biven stated that he will get with Sweep All about cleaning before September 22nd, October 4th & 5th and after Trick or Treat on Main Street.

Item #5 – Old Business

a) Houston Court – Clerk Biven stated there was a letter to U.S. Fish and Wildlife Service in the commissioner's packets. It states that the City was ready to enter into a Memorandum of Agreement with them over the Indiana Bats. He stated that the county is willing to pay half. Fish and Wildlife has asked the City to enter into agreement basically at a cost which is basically a permit fee where we agree to cooperate with them in trying to meet their standards during our investigative work. In exchange for that they would let us go through the clearing house process and sign off on it so we could move forward on our application. The cost would be \$915. **Motion was made by Commissioner Waldrige and seconded by Commissioner Ingram to accept the Memorandum of Agreement from the Department of Fish and Wildlife. Commissioner Waldrige, Commissioner Ingram, Commissioner Spears and Mayor Pay voted in favor. Commissioner Nation opposed. Motion carried with a vote of 4 -1.**

Item #6 – New Business

a) Department Reports

Financial Report

Mr. McConnell provided the commission with the cash analysis report and the overtime report. He also stated that the city is fully collateralized at all three banks.

Mr. McConnell informed the commission that in reviewing revenue in the General Fund account, Property Taxes year to date are \$118 net of discounts, Insurance Premiums was \$44,399 year to date and Occupational License Tax was \$68,450 year to date. He also stated that the

Business License Receipts are \$13,500 and the Unloading License Receipt is \$6,625. On the expense side, Street Repair and Maintenance year to date total is \$8,586. Total budget for FY2013 is \$37,851. Year to date expenses related to Main Street Phase II are \$51,716. We will file a reimbursement with the State after all the checks have cleared on these expenses.

Water Revenue is \$78,075 over budget year to date, Sewer Revenue is \$3,247 over budget year to date, Meter Sets is \$5,000 under budget for year to date and Sewer Impact Fees are \$6,000 under budget year to date. On the expense side, Year to date Louisville Water Expense of \$196,429 is \$6,429 over budget, The Road Aid Fund balance is currently \$91,292. The City received a special payment of \$13,428 from the State in August.

Mr. McConnell thanked the entire staff for the excellent audit results. It was very outstanding to receive an unqualified opinion, no adjustments and no internal control weaknesses. He again thanked the entire staff for that.

Clerk Biven stated that the commission needed to set a date for the second reading of the property tax ordinance. Meeting was set for September 6, 2012 at 4:30.

Utility

Water – Mr. Compton stated that there is a draft of an Interlocal agreement with Shelby Co. Fiscal Court for use of the Mt. Eden Tank to put their radio equipment on. He said the fee for the use of the tank would be \$1 unless the commission states otherwise.

Mr. Compton wants the commission to keep in mind any capital projects.

Sewer - Mr. Compton stated they are re-smoke-testing everything as part of the SSES study. There are some problems most of which are on private property. The City has corrected most of the City problems. Part of the new permit is dealing with the Best Management Practice (BMP). The sewer lines need to be properly maintained and cleaned requiring the purchase of a "jetter vac". Mr. Compton will research the cost. There are some changes to the new sewer permit; Mr. Compton went over those changes with the commission that go into effect on October 1st.

Mr. Compton also stated that he is going to get an estimate for the fence at the treatment plant. **Motion was made by Commissioner Waldrige and seconded by Commissioner Nation to put the fence at the treatment plant out to bid.** Motion carried with a vote of 5-0.

Public Safety

Police - A monthly schedule was in the commissioner's packets.

Class D Felon Program - Chief Lewis stated that all is going well with the program noting that they have made a noticeable improvement between County Mart and City Hall. Chief Lewis stated that the sack lunches that are sent with them are inadequate. He said they have picking up the cost for lunch out of the Police petty cash fund for approximately \$35 per week. **Motion was made by Commissioner Nation and seconded by Commissioner Waldrige to pay for the**

Class D felon lunches out of General Fund. Motion carried with a vote of 5-0. Chief Lewis stated that Scott Williams has been helping out with the Class Ds and can be sent to the training to assist in the program

Oktoberfest – Chief Lewis stated that the streets would need to be closed from Jefferson Street down to Washington Street from 5:00 to 11:00 pm on October 5th. The streets would also need to be closed on October 6th for the parade from 9:00am until 1:00am on the 7th. **Motion was made by Mayor Pay and seconded by Commissioner Ingram to allow the streets to be closed for the Oktoberfest.** Motion carried with a vote of 5-0.

Halloween on Main - Chief Lewis stated that Halloween will be on Wednesday, October 31st. The streets would need to be closed from 4:30 to 8:30 from Jefferson Street to Point Street. **Motion was made by Commissioner Nation and seconded Commissioner Ingram to allow the streets from Jefferson Street to Point Street to be closed for Halloween on Main Street on October 31st.** Motion carried with a vote of 5-0.

Car Striping – Chief Lewis stated he is looking at using seizure fund money to restripe the 2010 Crown Vic and the two spare cars. It would cost about \$1,500 to get all three vehicles striped. He would like to also change the outside sign on the building so that it will match the vehicles. **Motion was made by Commissioner Nation and seconded by Commissioner Ingram to allow Chief Lewis to use seizure funds to have the cars restriped and the sign changed.** Commissioner Waldrige, Commissioner Ingram, Commissioner Nation and Mayor Pay voted in favor. Commissioner Spears opposed. Motion carried with a vote of 4 -1.

Chief Lewis thanked Bro. Chad Goodlett's church for their recent cleanup. He stated that the dumpster was completely filled when taken away.

Chief Lewis updated the commission on the radio system. He stated that the five duplexers which run through the Police frequency were out of tune. Brandon from KSP came down and looked at the system. He ran a tone through it and made it better than it was. Brandon suggested that the City have someone come in and tune the duplexers and work on the system that we have. Chief Lewis stated there was also an issue with the frequency pair that they are operating on currently; that the transmit and receive are so close together that when you key up to transmit the system is already trying to kick back on the receive side trying to transmit again. The Sheriff's department, who is the license holder, has requested a new frequency pair. That would mean sometime in the future all of the City radios will have to be reprogrammed. The Sheriff is still looking at a new radio system. If this takes place, depending on what system the Sheriff goes with, the City may need to replace their handhelds. Chief Nation also said they have spent a great amount of time on this issue. Commissioner Spears asks why the Sheriff wanted to change the system. If the City and Fire Department stay on what we have now and the Sheriff changes his system, the City departments would not be able to communicate with the Sheriff department in case of a disaster. Chief Lewis explained that in order to keep radio contact with the county, we would have to go to an analog mode and replace all of our handhelds. If we wanted to go to the same frequency, we would have to change out many radios. If we had our own frequency, we could talk to Frankfort and everywhere in town. Chief Lewis stated that the City could order a frequency pair for just the City Police Department. **Motion was made by Commissioner Waldrige and seconded by Commissioner Spears to have Chief Lewis look into purchasing a frequency pair for the City.** Motion carried with a vote of 5-0.

This would not be a full time position; it would just be added responsibilities. Chief Lewis explained that because Officer Bledsoe is part-time officer, that he cannot work any more than 100 hours a month because of its impact on the retirement program. He would still be a police officer, but he would enforce the ordinances. **Motion was made by Commissioner Ingram and seconded by Commissioner Nation to expand Officer Bledsoe's duties to include Citation Officer for City ordinances and to direct the Police Department to enforce city ordinances.** Motion carried with a vote of 5-0.

Commissioner Ingram would like to see Taylorsville have a Historical Overlay. She believes that the City has a Historical register. There is a draft in the commissioner's packet that she would like for the commission to look over in drafting one for Taylorsville. Commissioner Ingram expressed her concerns about a building being torn down and a parking lot being built. Commissioner Nation stated he would like to see some more information on the Overlay. **Motion was made by Commissioner Ingram and seconded by Mayor Pay to adopt standards and move with more specify information regarding Historical Overlay.** Commissioner Waldrige, Commissioner Ingram, Commissioner Spears and Mayor Pay voted in favor. Commissioner Nation opposed. Motion carried with a vote of 4 -1.

Other New Business

i) Fourth Class City – Mayor Pay stated he was glad to see this on the agenda but he was going to make a motion to table this at this time. Mayor Pay said he has spoken with Brad Montell about this issue and Rep. Montell stated that any action taken on a resolution now would be denied by the General Assembly who meets in January. **Motion was made by Mayor Pay and seconded by Commissioner Spears to table the discussion about the Fourth Class City.** Commissioner Waldrige, Commissioner Ingram, Commissioner Spears and Mayor Pay voted in favor. Commissioner Nation opposed. Motion carried with a vote of 4 -1.

Item #7 – Legal

a) Annexations – Clerk Biven updated the commission on the Marathon Station and the restaurant. We are in the process of preparing the documentation for them. They have asked the City to move forward with annexing them. A survey is being conducted that will include all parcels into one description. Mr. Dale stated that there has to be a written description, plat and consent, and that the City will also need to annex part of the Tanglewood entrance.

Mr. Dale stated that the Secretary of State finally accepted two of the Resolutions related to past annexations. They are in the process of getting the rest of them filed with the Secretary of State.

Item #8 - Elected Officials' Comments (Mayor and City Commissioners)

There were no commissioner's comments at this time.

ADJOURN TO EXECUTIVE SESSION

Item #9 – Motion was made by Commissioner Spears and seconded by Commissioner Ingram to Adjourn to Executive Session under provisions of KRS 61.810 (1) (b) Deliberations on the future acquisition or sale of real property by a public agency (c) Discussions of proposed or pending litigation against or on behalf of the public agency (f)

Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee. Motion carried 4-0.

RETURN TO OPEN SESSION

Item #10 – Motion was made by Mayor Pay and seconded by Commissioner Waldrige to return to open session. Motion carried 4-0.

Item #11 – Motion was made by Mayor Pay and seconded by Commissioner Nation to advertise for the position of part-time police officer. Motion carried with a vote of 5-0.

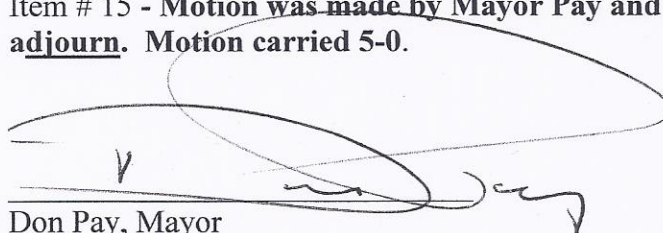
Item #12 – Motion was made by Mayor Pay and seconded by Commissioner Spears to allow time without pay for Mark Armstrong for .75 hours for August 11, 2012 and two weeks in October from the 1st to the 15th. Motion carried with a vote of 5-0.

Item #13 – Motion was made by Mayor Pay seconded by Commissioner Spears to allow time without pay for Roxann Thompson for a period of 5 days and days yet to be determined as necessary. Motion carried with a vote of 5-0.

Item #14 - Motion was made by Mayor Pay and seconded by Commissioner Spears to allow time without pay for Thomas Schultz for up to two weeks at a time established at the police chief's discretion. Motion carried with a vote of 5-0.

ADJOURN MEETING

Item # 15 - Motion was made by Mayor Pay and seconded by Commissioner Ingram to adjourn. Motion carried 5-0.


Don Pay, Mayor


Stephen A. Biven, City Clerk